



COHEN & GRESSER LLP

800 Third Avenue
New York, NY 10022
+1 212 957 7600 phone
www.cohengresser.com

Mark S. Cohen
+1 (212) 957-7600
mcohen@cohengresser.com

Christian R. Everdell
+1 (212) 957-7600
ceverdell@cohengresser.com

June 13, 2023

BY ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Samuel Bankman-Fried*, S5 22 Cr. 673 (LAK)

Dear Judge Kaplan:

On behalf of our client, Samuel Bankman-Fried, we respectfully submit this letter to update the Court on the proceedings in the Supreme Court of The Bahamas (the “Supreme Court”) discussed in the Omnibus Reply Memorandum of Law in Support of Samuel Bankman-Fried’s Pretrial Motions filed yesterday. *See* ECF No. 158 at 1, 5-6, 13-14.

In the attached written ruling issued earlier this afternoon, the Supreme Court granted Mr. Bankman-Fried’s application for leave to seek judicial review of the Bahamian Attorney General’s (the “Attorney General”) determination that Mr. Bankman-Fried does not have a right to be heard before the Bahamian Minister of Foreign Affairs (the “Minister”) decides whether or not to grant the specialty waiver request submitted by the United States government (the “Government”). *See* Ex. A ¶ 81(ii). In doing so, the Supreme Court determined that Mr. Bankman-Fried’s claims concerning his right to be heard and to invoke the rule of specialty had “a real prospect of success.” *Id.* ¶¶ 36, 38.

In addition to granting Mr. Bankman-Fried’s application for leave to seek judicial review, the Supreme Court enjoined the Minister and Attorney General from providing consent for the requested specialty waiver until a final determination of Mr. Bankman-Fried’s application for judicial review has been rendered. *Id.* ¶¶ 16(ix), 81(iii). The Minister and the Attorney General are thus currently enjoined from providing consent.

The Supreme Court also ordered the parties to “take steps to have the application for judicial review heard and determined in an expedited manner.” *Id.* ¶ 81(v). No specific schedule

June 13, 2023
Page 2

has yet been set. Mr. Bankman-Fried intends to file an application for judicial review as directed by the Supreme Court and to continue pursuing his legal rights in The Bahamas. The ongoing proceedings in The Bahamas support dismissing (or, alternatively, severing) Counts 4, 6, 9, 10, 12 and 13. *See* ECF No. 158 at 5-6, 13-16.

Respectfully submitted,

/s/ Mark S. Cohen

Mark S. Cohen
Christian R. Everdell
COHEN & GRESSER LLP
800 Third Avenue, 21st Floor
New York, New York 10022
(212) 957-7600
mcohen@cohengresser.com
ceverdell@cohengresser.com